IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 1518 (S/S) 2005

Smt. Leela Devi W/o Sri Raghuveer Singh,
Resident of village Dhun, Tehsil Ranikhet,
District Almora. .....Petitioner.

Versus

1. State of Uttarakhand through its Secretary,
   Department of Education, Civil Secretariat Dehradun,
2. Director of Education, Uttarakhand, Dehradun,
3. Joint Director Education (Basic),
   Kumaon Division, Nainital,
4. Assistant District Education Officer, Almora,
   (Basis Shiksha Adhikari, Almora),
5. State of U.P., through its Secretary Education,
   Lucknow. .....Respondents.

Sri Vikas Pandey, learned counsel for the petitioner.
Sri H.M. Raturi, learned Standing Counsel for State of Uttarakhand/respondent nos. 1 to 4
And Smt. Beena Pandey, learned Standing Counsel for State of U.P./respondent no.5.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Vikas Pandey Adv. and Sri Anil K. Joshi, learned counsel for the petitioner, Sri H.M. Raturi, learned Standing Counsel for State of Uttarakhand/respondent nos. 1 to 4 and Smt. Beena Pandey, learned Standing Counsel for State of U.P./respondent no.5.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

i) Issue a writ, order or direction in the nature of mandamus commanding the respondents to grant the pay-scale of Rs. 1450-2190 to the petitioner's husband w.e.f. 01.01.1986 alongwith other consequential benefits,

ii) Issue a writ, order or direction in the nature of mandamus commanding the respondents to grant the admissible pension to the petitioner which should have granted to the petitioner if the pay scale of Rs. 1450-21-90 were granted w.e.f. 01.01.1986,

iii) Issue a writ, order or direction in the nature of mandamus commanding the respondents to grant the arrears of salary w.e.f. 01.01.1986 alongwith 20% interest thereon,

iv) Issue any other order or direction, which this Hon'ble Court may deem fit and proper in the circumstances of the case,

v) Allow the writ petition with cost.

Stand of the petitioner is that her husband was appointed as Assistant Teacher in Primary School on 01.07.1950 and was promoted as Headmaster in Primary School on 05.12.1960. On 11.03.1978, the petitioner's husband was promoted to the post of Assistant Teacher, Junior High School and was retired from service after attaining age of superannuation on 30th June 1991. Husband of the petitioner has expired on 26.11.2001.

It is further contended that juniors to the petitioner's husband who were promoted as Headmaster Primary School were getting higher pay-scale than the petitioner's husband and in respect of this anomaly, the petitioner made representation, however no action has been taken by the respondents. It is contended that similarly situated persons have also filed a claim petition before the Public Service Tribunal, Lucknow and the Public service Tribunal granting them relief has already accepted their claim. The petitioner has submitted that she may

be permitted to move representation before the appropriate authority for redressal of her grievances.

The prayer is innocuous.

Accordingly, in view of the judgment passed by the public Service Tribunal, Lucknow in claim petition no.2320 of 1995, the petitioner may approach to the appropriate authority by making representation alongwith the judgment of the Public Service Tribunal to get the identical benefit and it is expected from the authority that, in case, the similarly situated persons have been benefited in pursuance of the order of Public Service Tribunal, the case of the petitioner may also be considered for providing her the similar benefit within a period of two months from the date of filing of representation alongwith a certified copy of this order.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

April 5, 2007:
NCM: